

OGC 70-1545

4 September 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Military Procurement Authorization Act

REFERENCE: Memorandum for the Record dtd 3 Sept 70 by
General Counsel, Same Subject

1. I have several thoughts which I want to express on this subject before I leave. I have reread the referent memorandum and have focused on Blandford's statement that the House conferees would not consider any of the Fulbright proposals. I find this extremely difficult to accept since Stennis has agreed with Fulbright on the floor, after extensive debate, that the Fulbright free world forces amendment is merely stating in legislative language what the Senate Armed Services Committee intended in their amendments. Furthermore, while the specific words of the free world forces provisions, as amended, are somewhat different than last year's, nevertheless Defense has no greater nor no less authority under the current version of the section than they had before. Why then should the House conferees object?

2. In considering the wording which Blandford suggested be added to the Fulbright amendment and in considering Lanman's problem of refining this language so that DoD can expend funds which would otherwise be prohibited by the free world forces language, it occurs to me that if the language is that clear it could be subject to a point of order. The grounds for the point of order would be that the conference version was conveying greater authority than authorized in either the House or Senate version. This technical point does not even consider the pressure which would be on the Senate conferees when this matter has been so thoroughly debated on the floor of the Senate. I expect all of this was worth the try anyway, but the prospects seem dim.

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OGC Has Reviewed

cc: Legislative Counsel
- OGC Subject - APPROPRIATIONS
OGC Chrono
OGC:JSW:mks

Deputy General Counsel